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UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 12-01133-01 LEK
)	
Plaintiff,)	MOTION TO UNSEAL
)	DEFENDANT'S MOTION TO
vs.)	WITHDRAW PLEA; PROPOSED
)	ORDER GRANTING MOTION TO
MARC HUBBARD,)	UNSEAL DEFENDANT'S MOTION
)	TO WITHDRAW PLEA
Defendant.)	
)	
)	
_____)	

MOTION TO UNSEAL
DEFENDANT'S MOTION TO WITHDRAW PLEA

The United States moves this Court for an Order to Unseal Defendant MARC HUBBARD's Motion to Withdraw Plea, Dkt. No. 278 (Feb. 21, 2018), on the grounds that Mr. Hubbard has publicly filed a similar pleading, containing all the same factual information, in his Pennsylvania case. *See* Motion for Bail, *United States v. Marc Hubbard*, Cr. No. 15-00096-1, Dkt. No. 112 (E.D. Pa. Feb. 21, 2018) at 11-12 (discussing alleged threat against Mr. Hubbard). As a result, there is no new information in Mr. Hubbard's Motion to Withdraw Plea in this case that Mr. Hubbard has not already himself made public in his Pennsylvania case. Accordingly, his Motion to Withdraw Plea in this case should be unsealed.

The reason for this motion is to better enable the government to fully investigate and respond to Mr. Hubbard's allegations. The government was constrained with respect to the topics it was able to discuss in open court earlier today, during its oral response to Mr. Hubbard's Motion. The government will be better able to articulate its position in open court at the next hearing, if the Motion to Withdraw Plea were fully unsealed.

In the alternative, the government respectfully requests that the Court authorize the government to provide Hubbard's Motion to Withdraw Plea to the prosecutor in Pennsylvania, former AUSA Jennifer Barry, as well as Mr. Hubbard's former defense counsel, Peter Scuderi, so that the government can

meaningfully investigate and respond to the factual allegations that Mr. Hubbard has made.

DATED: February 22, 2018, at Honolulu, Hawaii.

Respectfully submitted,

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By /s/ Marc A. Wallenstein
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